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Indra Laksono

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LARSON NEWMAN ABEL POLANSKY & WHITE, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN, TX 78730

EXAMINER

CZEKAJ, DAVID J

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/823,646	Applicant(s) LAKSONO, INDRA	
	Examiner DAVID CZEKAJ	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 07 December 2007.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 49-96 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 49-96 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

On pages 9-11, applicant argues that Banks and Gupta fail to disclose compressing multimedia channels of a data stream and then determining if the resulting compressed stream meets a predetermined criteria, the predetermined criteria comprising a real-time transmission or transmission within a predetermined bandwidth. While the applicant's points are understood, the examiner respectfully disagrees. See for example Banks column 5, lines 50-60. There Banks discloses compressing a stream using a lower compression ratio and higher compression ratio. Banks further discloses in column 6, lines 15-25, determining whether data from any less compressed file can be delivered in real time and sending the less-compressed file if so determined. Hence, Banks determines if the compressed stream can be transmitted in real time, and depending on the outcome of the determination, transmits a different quality version. Therefore the rejection has been maintained.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 65-96 are rejected under 35 U.S.C. 101 because the claims have improper language regarding the computer readable medium. The claims contain both statutory and non-statutory subject matter. The specification on page 11, lines 3-12 identify a carrier signal and thus needs to be removed from the specification. Further, in

the specification on page 10, lines 24-27, the video decoder/renderer 420 are performed via a software application.

Claimed Subject Matter Not in Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).
4. The “computer readable medium” recited in Claims 65-80 is not defined in the specification.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 49-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banks (6139197).

Regarding claim 49, Banks discloses an apparatus that relates to digital video delivery systems (Banks: column 1, lines 7-9). This apparatus comprises “determining whether a transmission of a data stream having a plurality of channels is expected to meet a predetermined criteria, the predetermined criteria comprising at least one of real-time transmission of transmission within a predetermined bandwidth” (Banks: column 5, lines 50-64), “compressing at least one of the channels in the stream to generate a first compressed stream when the transmission of the stream is not expected to meet the criteria” (Banks:

column 6, lines 1-25; column 7, lines 30-40), and “determine whether a transmission of the first compressed stream is expected to meet the predetermined criteria” (Banks: column 6, lines 1-25). While Banks fails to explicitly disclose determining whether the stream is expected to meet the criteria, Banks does disclose pre-compressing video streams (Banks: column 5, lines 50-64). By pre-compressing the streams, Banks is determining that the transmission of the stream will not meet a predetermined criteria. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the determination in order to be able to successfully transmit large amounts of data over a limited bandwidth network.

Regarding claim 50, Banks discloses “transmitting the first compressed stream when the transmission is expected to meet the criteria” (Banks: figures 1-2; column 7, lines 30-37).

Regarding claim 51, Banks discloses “compressing at least one channel of the stream to generate a second compressed stream when the transmission of the first stream is not expected to meet the criteria and determine whether a transmission of the second stream is expected to meet the criteria” (Banks: column 6, lines 1-25, wherein the second stream is the stream from the less-compressed video file).

Regarding claim 52, Banks discloses “transmitting the second compressed stream” (Banks: column 6, lines 20-25).

Regarding claim 53, Banks discloses "the predetermined criteria includes a real-time transmission" (Banks: column 6, lines 20-25).

Regarding claim 54, Banks discloses "the predetermined criteria includes transmission of the stream within a predetermined bandwidth" (Banks: column 6, lines 1-5).

Regarding claim 55, Banks discloses "the bandwidth comprises a maximum bandwidth" (Banks: column 6, lines 1-25. By transmitting based on real-time and bandwidth requirements, Banks is transmitting data at the maximum bandwidth of the channel).

Regarding claim 56, although not disclosed, it would have been obvious to transmit data at a portion of the available bandwidth (Official Notice). Doing so would have been obvious in order to account for fluctuations in the communication channel.

Regarding claim 57, although not disclosed, it would have been obvious to transmit wirelessly (Official Notice). Doing so would have been obvious in order more easily transmit data to a variety of locations.

Regarding claim 58, although not disclosed, it would have been obvious for the data to come from a variety of sources (Official Notice). Doing so would have been obvious in order to accommodate many different types of data.

7. Claims 59-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banks (6139197) in view of Putzolu (6584509).

Regarding claims 59-60, note the examiners rejection for claim 49, and in addition, claims 59-60 differ from claim 49 in that claims 59-60 further require using a round robin mode of selection. Putzolu teaches that a round robin scheme allows all classes to have equal opportunities to access the links (Putzolu: column 7, lines 1-15). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the selection method disclosed by Putzolu in order to obtain an apparatus that operates more efficiently by being able to select streams in a fair and equal manner.

Regarding claim 61, Banks discloses "selecting the channel having the greatest amount of data" (Banks: column 6, lines 1-5, wherein the greatest amount of data is using the full bandwidth).

Regarding claim 62, Putzolu discloses "selecting is based on prioritization" (Putzolu: figure 3).

Regarding claim 63, although not disclosed, it would have been obvious to select an uncompressed channel over a compressed channel" (Official Notice). Doing so would have been obvious in order to provide a high-quality lossless image to a user.

Regarding claim 64, Banks discloses "compressing in a first manner in response to determining a channel being compressed has not been compressed in the first manner and compressing in a second manner in response to

determining the channel has been compressed in the first manner" (Banks: column 6, lines 1-25; column 7, lines 30-40; figures 1-2).

Regarding claims 65-96, note the examiners rejections for claims 49-64.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID CZEKAJ whose telephone number is (571)272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. C./
Examiner, Art Unit 2621
TC 2600

/Mehrdad Dastouri/
Supervisory Patent Examiner, Art Unit 2621